

Application Ser. No.: 10/613,588
Filing Date: July 3, 2003
Examiner: Desai, Rita J.

Remarks

In the Office Action, the Examiner noted that claims 1-3, 5-16 and 18-24 are pending in the application; claim 3 is allowed; and that claims 1, 2, 5-16 and 18-24 are rejected. By this amendment, claims 3, 5-6 and 19-24 have been amended, and claims 1-2, 7-8 and 10-18 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 3, 5-6, 9, and 19-24 are pending in the application. No new subject matter has been inserted through these amendments. All of the amendments are fully supported by the specification. Specifically, claim 3 has been amended to recite it as an independent claim, claims 5 and 6 have been amended to depend upon claim 3. In addition, claim 5 has been amended to recite a pharmaceutical composition containing only the compounds of this invention with a pharmaceutically acceptable carrier and claim 6 has been amended to recite specific disease states that can be treated. Finally, claims 19-24 have been amended to depend upon claim 6 and to recite one of the disease conditions as recited in claim 6. The Examiner's rejections are traversed below.

Election/Restriction

The Examiner has again imposed a three way restriction on the previously elected Group I invention as follows:

Group	Search Classes
I-A Claims 1-3, 11-13 in part drawn to compounds and pharmaceutical compositions of formula I, wherein D is an aryl, optionally substituted, a pyridyl or a thiophenyl all optionally substituted, A is an alkyl or fluoroalkyl with its optional substitutions and B is a bond.	Class 546, 514 subclass 82, 293
I-B Claims 1-3, 11-13 in part drawn to compounds and pharmaceutical compositions of formula I, wherein D is an alkyl, optionally substituted, A is an aryl optional substitutions and B is a bond.	Class 546, 514 subclass 82, 293

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I-C	Claims 1-3, 11-13 in part drawn to compounds and pharmaceutical compositions of formula I, wherein D, A and B are different than in group I-A and I-B.	Various class & subclasses
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Applicants affirm with traverse the election of invention Group I-A in a telephone conversation with the Examiner on January 3, 2006. The traversal is based on the ground that there is no undue burden on the Examiner to search all of the inventions together as they are in same class and subclass, which is particularly true for invention groups I-A and I-B. However, it is respectfully submitted that in view of the amendments as noted above, and the arguments presented hereinbelow this restriction may be considered moot.

Claim Objections

Claim 1 stands objected to as unclear with R11 being defined in the middle. The Examiner has also noted that the Cor1 and COOR1 are repeated.

However, Applicants have canceled claim 1 rendering this objection moot. Accordingly, withdrawal of objection as to claim 1 is respectfully requested.

Rejection Under 35 U.S.C. § 103(a)

Claims 1-2 and 11-13 stand rejected under 35 U.S.C. 103(a) as being obvious over Stefanie Flohr et al. (US 6,841,556)

Again, as noted, claim 1-2 and 11-13 have been canceled without prejudice, thus obviating this rejection. Accordingly, withdrawal of rejection as to claims 1-2 and 11-13 is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 5-10, 14-16 and 18-24 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

However, as noted above, claim 5 has been amended to include only the compounds of this invention with a pharmaceutically acceptable carrier, and claim 6 has

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been amended to recite only a few of the specific diseases that can be treated by the compounds of this invention. In addition, claims 19-24 have been accordingly amended to recite one disease condition that can be treated in accordance with claim 6. Finally, claims 7-8, 10, 14-16 and 18 have been canceled without prejudice. In view of this, it is respectfully submitted that claims 5-6, 19-24, as amended, and claim 9 fully satisfy the written description requirement, and therefore satisfy 35 USC 112, first paragraph. Accordingly, withdrawal of rejection as to claims 5-10, 14-16 and 18-24 is respectfully requested.

Conclusions

In view of the above Remarks, it is respectfully submitted that claims 3, 5-6, 9, and 19-24 are now in condition for allowance and the early issuance of this case is respectfully requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this Rule 111 Amendment. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc. Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

March 17, 2006



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